

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CARLOS A. HAWTHORNE,

Plaintiff,

v.

A YANEZ, et al.,

Defendants.

Case No. [17-cv-04960-HSG](#)

**ORDER GRANTING REQUEST FOR
CLARIFICATION AND FOR
EXTENSION OF TIME TO FILE
DISPOSITIVE MOTION**

Re: Dkt. No. 88

Good cause being shown, the Court GRANTS Defendants' request for clarification of the Court's March 7, 2022 Order and request for an extension of time to file their dispositive motion.

The Court GRANTS Defendants' request for clarification as to claims remaining in this action. The Court erred in stating in its conclusion in its March 7, 2022 Order that three claims remain pending against defendant Thomas. The body of the order only identified one remaining claim. As explained in the Court's March 7, 2022 Order, Plaintiff has only exhausted his First Amendment access to the courts and retaliation claims against defendant Thomas. Accordingly, the Court clarifies that the only remaining claims in this action are the following: (1) defendant Yanez discovered and read Plaintiff's draft federal civil rights complaint and in retaliation for this protected conduct, confiscated the complaint and reported it to Plaintiff's mental health team, in violation of the First Amendment; (2) defendants Swensen and Thomas directed custodial staff to confiscate Plaintiff's property, including his legal documents and the drafted federal complaint, in retaliation for Plaintiff's protected conduct, in violation of Plaintiff's First Amendment right to access the courts and right to engage in protected conduct without suffering retaliation; (3) defendant Swensen confiscated Plaintiff's religious books and items, in violation of his First Amendment right to free exercise of religion; and (4) defendant Swensen confiscated Plaintiff's


books and magazines, in violation of his First Amendment right to free exercise of speech.

Defendants' request for an extension of time to file their dispositive motion is GRANTED. Dkt. No. 88. Defendants shall file their dispositive motion by August 4, 2022. Plaintiff's opposition to the dispositive motion must be filed with the Court and served upon Defendants no later than 28 days from the date the motion is filed. Defendants shall file a reply brief in support of their dispositive motion no later than 14 days after the date the opposition is filed. The motion shall be deemed submitted as of the date the reply brief is due. No hearing will be held on the motion.

This order terminates Dkt. No. 88.

IT IS SO ORDERED.

Dated: 4/14/2022


HAYWOOD S. GILLIAM, JR.
United States District Judge